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09/942,516	08/30/2001	John E. Auer	2000P09059US01	8141

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Siemens Corporation  
Intellectual Property Department  
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EXAMINER

COBANOGU, DILEK B

ART UNIT PAPER NUMBER

3626

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/942,516

Applicant(s)

AUER, JOHN E.

Examiner

Dilek B. Cobanoglu

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/30/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3626

### DETAILED ACTION

1. Claims 1 to 20 have been examined.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11 to 15 are rejected under 35 U.S.C. 102(e) as being

unpatentable by Wallace et al. (U.S. Patent No. 6,305,373).

A. As per claim 11, Wallace et al. discloses a method for displaying medical information derived from a plurality of sources (Wallace et al.; abstract), comprising the steps of:

- i. acquiring data associated with a patient from at least one of the plurality of sources (Wallace et al.; col.3, lines 5-14 and col.6, lines 9-11);
- ii. prioritizing the acquired data for display in a desired order (Wallace et al.; col.3, lines 5-9);

Examiner considers that setting the changes by touching the on screen button and setting has the same meaning as prioritizing.

iii. and generating a composite window for displaying said ordered acquired data in a first window together with at least one of user-entered medical notes, medical laboratory results, and ventilator data in a second window (Wallace et al.; col.3, lines 49-56 and lines 14-18).

B. As per claim 12, Wallace et al. discloses the method of claim 11 wherein the ventilator data comprises at least one of ventilator setting and ventilator parameter (Wallace et al.; col.3, lines 39-43).

C. As per claim 13, Wallace et al. discloses the method of claim 11 further comprising the step of displaying the acquired data within a user-selected time frame (Wallace et al.; col.7, lines 12-15 and lines 54-56).

D. As per claim 14, Wallace et al. discloses the method of claim 13 wherein a cursor is displayed indicating a selected time during the selected time frame (Wallace et al.; col.15, lines 19-26).

E. As per claim 15, Wallace et al. discloses the method of claim 14 further comprising the step of displaying a time corresponding to the selected cursor time (Wallace et al.; col.15, lines 19-26).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 to 10 and 16 to 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al. (U.S. Patent No. 6,305,373) in view of Schoenberg et al. (U.S. Publication No. 2005/0125256).

A. As per claim 1, Wallace et al. discloses in an internet compatible system for displaying medical information derived from a plurality of sources, apparatus comprising:

- i. a processor for acquiring data associated with a patient from at least one of the plurality of sources (Wallace et al.; col.6, lines 9-11), the processor prioritizing the acquired data for display in a desired order (Wallace et al.; col.3, lines 1-14);

Examiner considers that setting the changes by touching the on screen button and setting has the same meaning as prioritizing.

- ii. and a menu generator for generating a composite window for displaying said ordered acquired data in a first window together with at least one of user-entered medical notes, medical laboratory

results, and ventilator data in a second window (Wallace et al.; col.3, lines 49-56 and lines 14-18).

Wallace et al. fails to expressly teach the internet compatible system, per se, since it appears that Wallace et al. is more directed to a graphic user interface system for controlling a computer controlled ventilator to provide respiratory therapy to a patient. However, this feature is well known in the art, as evidenced by Schoenberg et al. In particular, Schoenberg et al. discloses a medical information system receives patient data and information from various sources and displays such information (Schoenberg et al.; abstract) wherein the interface unit coupled by way of modem and the internet (Schoenberg et al.; paragraph 0034).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the graphic user interface system for controlling a computer controlled ventilator to provide respiratory therapy to a patient with the interface unit coupled by way of modem and the internet with the motivation of coupling various bedside monitors and other instruments (Schoenberg et al.; paragraph 0034).

- B. As per claim 2, Wallace et al. discloses the system of claim 1 wherein the ventilator data comprises at least one of ventilator setting and ventilator parameter (Wallace et al.; col.3, lines 39-43).
- C. As per claim 3, Wallace et al. discloses the system of claim 1 wherein the processor further prioritizing the acquired data for display within a selected time frame (Wallace et al.; col.7, lines 12-15 and lines 54-56).
- D. As per claim 4, Wallace et al. discloses the system of claim 3 wherein a cursor is displayed indicating a selected time during the selected time frame (Wallace et al.; col.15, lines 19-26).
- E. As per claim 5, Wallace et al. discloses the system of claim 4 wherein a time display field displays the time corresponding to the selected cursor time (Wallace et al.; col.15, lines 19-26).
- F. As per claim 6, Wallace et al. discloses the system of claim 5 further comprising an annotate icon for allowing a user to enter an annotation for the selected time during the selected time period.

Wallace et al. fails to expressly teach the annotation a data, per se, since it appears that Wallace et al. is more directed to entering specific values for certain of the ventilator settings. However, this feature is well known in the art, as evidenced by Schoenberg et al.

In particular, Schoenberg et al. discloses a medical information system receives patient data and information from various sources and displays such information

(Schoenberg et al.; abstract) wherein authorized persons are able to access the information, enter the additional information, orders and change data (Schoenberg et al.; paragraph 0051).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined entering specific values for certain of the ventilator settings with the authorized persons are able to access the information, enter the additional information, orders and change data with the motivation of certain operations are restricted to certain members of the medical team (Schoenberg et al.; paragraph 0051).

G. As per claim 7, Wallace et al. discloses the system of claim 1 wherein the menu generator selects one of the user-entered medical notes, the medical laboratory results, and the ventilator data for display in a second window, in response to a user selection (Wallace et al.; col.3, lines 49-56).

H. As per claim 8, Wallace et al. discloses the system of claim 1 wherein the medical notes further comprising at least one of time of entry, date of entry and person of entry for the medical notes.

The obviousness of modifying the teaching of Wallace et al. to include the authorized persons are able to access the information, enter the additional information, orders and change data (as taught



by Schoenberg et al.) is as addressed above in the rejection of claim 6 and incorporated herein.

I. As per claim 9, Wallace et al. discloses the system of claim 1 wherein the first window further comprising a graphical data panel (Wallace et al.; col.6, lines 25-30) and a tabular data panel.

Wallace et al. fails to expressly teach the tabular data panel or table, per se, since it appears that Wallace et al. is more directed to the processor causes different graphics to be displayed on the screens, provides graphic representations of the effect on the overall respiratory strategy caused by changes to the settings. However, this feature is well known in the art, as evidenced by Schoenberg et al.

In particular, Schoenberg et al. discloses a medical information system receives patient data and information from various sources and displays such information (Schoenberg et al.; abstract) wherein each of the data sets can be displayed in a variety of formats, including graphical, tabular (Schoenberg et al.; paragraph 0054).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined graphic representations with the table with the motivation of the table below the graph includes numerical data in one minute

intervals of time, and the time scale can be selectively changed by a user (Schoenberg et al.; paragraph 0054).

J. As per claim 10, Wallace et al. discloses the system of claim 1 wherein the processor prioritizing the acquired data for display in a desired order in response to a user selection (Wallace et al.; col.3, lines 49-56).

K. Claim 16 repeats the claim 6; therefore claim 16 is rejected for the same reasons as applied hereinabove.

L. As per claim 17, Wallace et al. discloses the method of claim 1 further comprising the step of allowing user selection of one of the user-entered medical notes, the medical laboratory results, and the ventilator data for display in a second window (Wallace et al.; col.3, lines 49-56 and lines 14-18).

M. Claim 18 repeats the claim 11, except that claim 18 comprises a network. Therefore claim 18 is rejected for the same reasons as applied hereinabove. Also, the obviousness of modifying the teaching of Wallace et al. to include a local area network (as taught by Schoenberg et al. paragraph 0033 and 0034) is as addressed above in the rejection of claim 1 having "internet compatible system" and incorporated herein.

N. As per claim 19, Wallace et al. discloses the method of claim 18 further comprising the step of displaying the acquired data in different colors (Wallace et al.; col.15, lines 32-34).

Art Unit: 3626

O. As per claim 20, Wallace et al. discloses the system of claim 18 further comprising the step of displaying the acquired data in varying scales (Wallace et al.; col.19, lines 38-43).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach Medical information system with automatic updating of task list in response to charting interventions on task list window into an associated form 5077666 A, Method for use of color and selective highlighting to indicate patient critical events in a centralized patient monitoring system 5262944 A, Data processing system and method for automatically performing prioritized nursing diagnoses from patient assessment data 5404292 A, Ambulatory patient health monitoring techniques utilizing interactive visual communication 5441047 A, Display control apparatus and method of using same 5499036 A, Method and apparatus for coordinating concurrent updates to a medical information database 5546580 A, Computer system and method for storing medical histories using a carrying size card 5659741 A, Method and system for constructing formulae for processing medical data 5715451 A, Distributed hypermedia method for automatically invoking external application providing interaction and display of embedded objects within a hypermedia document 5838906 A, Interactive method and system for managing physical exams, diagnosis and treatment protocols in a health care practice 6047259 A, Method and apparatus for controlling a medical ventilator

Art Unit: 3626

6390091 B1, Ventilator control system and method 6584973 B1, Remote control and tactile feedback system for medical apparatus 6834647 B2.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dilek B. Cobanoglu  
Art Unit 3626  
October 31, 2005



JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER